

DOCKET FILE COPY ORIGINAL
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 02-376
Table of Allotments,)	RM-10617
FM Broadcast Stations)	RM-10690
(Sells, Willcox, and Davis-Monthan)	
Air Force Base, Arizona))	

FILED/ACCEPTED
JUN 19 2007

*Federal Communications Commission
Office of the Secretary*

To: Office of the Secretary
Attn: Chief, Audio Division, Media Bureau

**PETITION FOR LEAVE TO FILE SUPPLEMENT AND
SUPPLEMENT TO PETITION FOR RECONSIDERATION**

Lakeshore Media, L.L.C. ("Lakeshore") files this petition for leave to file a supplement to the Petition for Reconsideration filed by Lakeshore on January 10, 2005. Specifically, Lakeshore provides updated engineering data relevant to the pending Rulemaking. The Supplemental Engineering is submitted in the interest of providing a complete record and not to reargue the merits of the pending Petition for Reconsideration.

Good cause exists to grant this Petition to consider the supplemental engineering data. The Commission's decision in this proceeding rested primarily on an analysis of existing services and, in particular, white and gray area losses predicted to result from Lakeshore's Counterproposal. Lakeshore proposes to move KWCX-FM, channel 285C3 from Willcox, Arizona, to Davis-Monthan Air Force Base, Arizona. In denying the Lakeshore Counterproposal, the Commission noted that the contemplated move would create a white area loss of 2,142 square kilometers and 2,896 people and a gray area loss of 1,068 square kilometers and 1,022 people. This is no longer the case. As detailed in the attached Engineering Statement, consideration of all currently licensed facilities and facilities for which construction permits have

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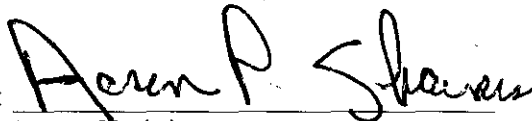
been issued demonstrates that there is no white area loss and a gray area loss of 2,070 people. When pending licensed facilities, issued construction permits, and pending modification applications are considered, the gray area loss diminishes to a *de minimus* 58 people in 106 square kilometer area.

Consideration of the supplemental engineering is in the public interest since it will allow the Commission to make a determination based on current engineering data. Rule section 1.429(b)(3) allows the Commission to consider new facts where consideration of the facts is required in the public interest. *See, In re: Moncks Corner, NC*, 15 FCC Rcd 8973 at ¶8 (Allocations Branch 2000) (Commission may consider new matters not raised previously if the Commission determines that consideration is in the public interests - consideration of the availability of new transmitter site); *See East Brewton, Alabama and Navarre, Florida*, 14 FCC Rcd 6974 at ¶8 (Allocations Branch 1999) (supplement allowed to update operational status of other stations). *See also generally, In Redesignation of the 17.7-19.7 GHz Frequency Band*, 16 FCC Rcd 19808 (2001).¹

WHEREFORE, it is respectfully requested that the Petition for Leave to File Supplement and Supplement to Petition for Reconsideration be granted.

Respectfully submitted,

LAKESHORE MEDIA, L.L.C.

By: 
Aaron Shainis
Its Counsel

June 19, 2007

¹ The Supplemental Engineering updates in part two FM services specifically referenced in the Lakeshore Petition for Reconsideration filed January 10, 2005. The Petition for Reconsideration referenced the pending application filed for KCDQ(FM), Tombstone, AZ, which has since been granted, and a new station in Lordsburg, NM, acquired by Cochise Broadcasting, LLC, as the high bidder. A construction permit for that facility has also been granted.

CERTIFICATE OF SERVICE

I, Lisa L. Stone, in the law offices of Shainis & Peltzman, Chartered, do hereby certify that I have sent copies of the foregoing PETITION FOR LEAVE TO FILE SUPPLEMENT AND SUPPLEMENT TO PETITION FOR RECONSIDERATION this 19th day of June, 2007, by postage paid first class mail to the following:

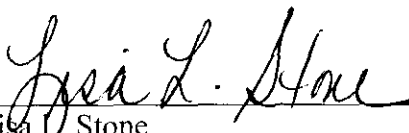
Victoria McCauley, Esq.
Federal Communications Commission
445 12th Street, S.W., Room 2-C222
Washington, D.C. 20554

Scott Cinnamon, Esq.
Law Offices of Scott Cinnamon
1090 Vermont Avenue, N.W., Suite 800
Washington, D.C. 20005

Gregory Masters, Esq.
Wiley, Rein & Fielding, LLP
1776 K Street, N.W.
Washington, D.C. 20006

Rich Eyre
REC Networks
P.O. Box 40816
Mesa, AZ 85274

Andy Laird
Journal Broadcast Group, Inc.
720 E. Capitol Drive
Milwaukee, WI 53212



Lisa L. Stone

DELAWDER COMMUNICATIONS, INC.

2121 Eisenhower Avenue, Suite 200

Alexandria, Virginia 22314

(703) 299-9222

ENGINEERING REPORT

Lakeshore Media, LLC

KWCX-FM White (and Gray) Area Study

ENGINEERING STATEMENT

I. Introduction

1. This Engineering Statement has been prepared on behalf of Lakeshore Media, LLC ("Lakeshore"), the licensee of KWCX-FM, Willcox, Arizona, channel 285C2, in support of its rulemaking proposal to change its community of license to Davis-Monthan Air Force Base ("Davis-Monthan AFB") and to operate on channel 285C3 (See Reconsideration and Report and Order in MB Docket No. 02-376). The results of an up-to-date White Area Study of the licensed KWCX-FM 285C2 facility are provided in this Engineering Statement¹. (Since the licensed Willcox 285C2 and proposed Davis-Monthan AFB 285C3 service areas do not overlap, the entire KWCX-FM licensed service area is considered "loss" area in the proposed rule-making.)

2. All FM contours are determined pursuant to *Memorandum Opinion and Order, MM Docket No. 86-29, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Greenup, Kentucky and Athens, Ohio), Adopted April 11, 1989, 66 R 2d, page 366*. Based on this MO&O, the 1 mV/m (60 dBu) contour is used for all classes and service is further simplified by assuming circular contours of the following service distances: 28 km for class A; 39 km for class C3; 52 km for class C2; 72 km for class C1; 83 km for class C0; and 92 km for class C. Only domestic stations are considered. No AM stations are used—no AM facility has protected nighttime service that will impact the white or gray area determined by consideration of the FM stations only².

3. The results of this White (and Gray) Area Study demonstrate the following:

- a) That there is no *white* area within the KWCX-FM gain area when construction permits or considered;
- b) When pending applications are added to the study results, no *white* area exists, and the gray area contains only 58 persons and a geographical area footprint of only 106 square kilometers.

¹ Both white area (no other full-time aural service) and gray area (one other full-time aural service) is demonstrated for the licensed Willcox facility. The proposed Davis-Monthan AFB 285C3 facility (the "gain" area of the rulemaking proposal) has no associated white area or gray area.

² Had AM stations been used, since a comparison of fulltime aural services is made, AM station coverage would have been based on the nighttime primary service contour (using M3 Map conductivities only—no AM measurement data would be used).

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II. Findings

4. Figure 1A, attached, shows the 60 dBu service contour for the licensed KWCX-FM station (shown in brown) and the 60 dBu service contours for licensed FM stations that overlap any part of the licensed KWCX-FM service contour. Figure 1B, attached, shows the white and gray areas within the licensed KWCX-FM service contour that's caused by the licensed FM station of Figure 1A.

5. Adding the service contours for construction permits ("CPs") to the licensed facilities (and in lieu of their corresponding licensed facilities, where applicable), the white and gray area study results significantly change as demonstrated by Figures 2A and 2B. As demonstrated by Figure 2B, no white area exists when CPs are added to the study.

6. The only vacant allotment in the area, Willcox channel 223C3, will overlap part of the gray area shown in Figure 2B. Figures 2C and 2D, attached, show the results when the this vacant allotment is also considered with the license and CP station facilities.

7. Adding the service contours for pending applications to the licensed and CP facilities (and in lieu of their corresponding licensed and/or CP facilities, where applicable), the white and gray area study results are further significantly reduced. This is demonstrated by Figures 3A and 3B. As demonstrated by Figure 3B, no white area exists when pending applications are being considered; and the gray area is greatly diminished. (Note: the vacant allotment for Willcox 223C3 does not overlap the gray area shown in Figure 3B. Therefore, this vacant allotment will not affect the white and gray areas when pending applications are considered.)

8. The following table provides population (Census 2000) and area data associated with the white and gray areas shown in Figures 1A through 3B of this report.

<u>Facilities Considered</u>	<u>White Area</u>		<u>Gray Area</u>	
	<u>Population</u>	<u>Area (sq km)</u>	<u>Population</u>	<u>Area (sq km)</u>
Licenses (1A &1B)	2,211	1,809	1,449	2,077
LIC/CPs (2A &2B)	none	none	2,070	1,532
LIC/CP/VALCs (2C &2D)	none	none	835	949
LIC/CP/APPs (3A &3B)	none	none	58	106

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9. All stations considered in this study are listed in Table 1, attached.

III. Conclusion

10. This engineering statement demonstrates that no white area exists to the KWCX-FM (Willcox 285C2) loss area if construction permits are considered. The only gray area would contain 2,070 persons in an area of 1,532 square kilometers. Furthermore, by also considering the one FM vacant allotment in the area (Willcox 223C3), the gray area is further reduced to 835 persons and an area of 949 square kilometers. Finally, when pending applications are considered, the gray area is greatly reduced to 58 persons within an area of 106 square kilometers.

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Table 1—FM Stations Having Service Contour Overlap With KWCX-FM

<u>Calls</u>	<u>City (ST), Chan</u>	<u>Status</u>
new	Lordsburg (NM), 279C	App
new	Lordsburg (NM), 279C1	CP
KCDQ	Tombstone (AZ), 237C0	CP
KAVV	Benson (AZ), 249A	Lic
KUAT-FM	Tucson (AZ), 213C	Lic
KLTU	Mammoth (AZ), 201C	Lic
KXKQ	Safford (AZ), 232C2	Lic
KWRQ	Clifton (AZ), 272C1	Lic
KFMM	Thatcher (AZ), 256C	Lic
KJIK	Duncan (AZ), 264C1	Lic
KWRB	Bisbee (AZ), 215C2	Lic
KCDX	Florence (AZ), 276C	CP
KPSA-FM	Lordsburg (NM), 250C	App
Vacant Alc	Willcox (AZ), 223C3	Alc

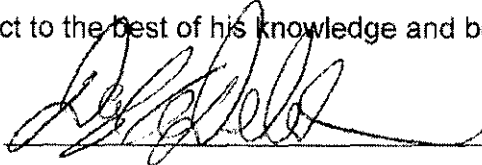
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KWCX-FM White (and Gray) Area Study

The undersigned, whose qualifications are a matter of record before the Commission, hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief.

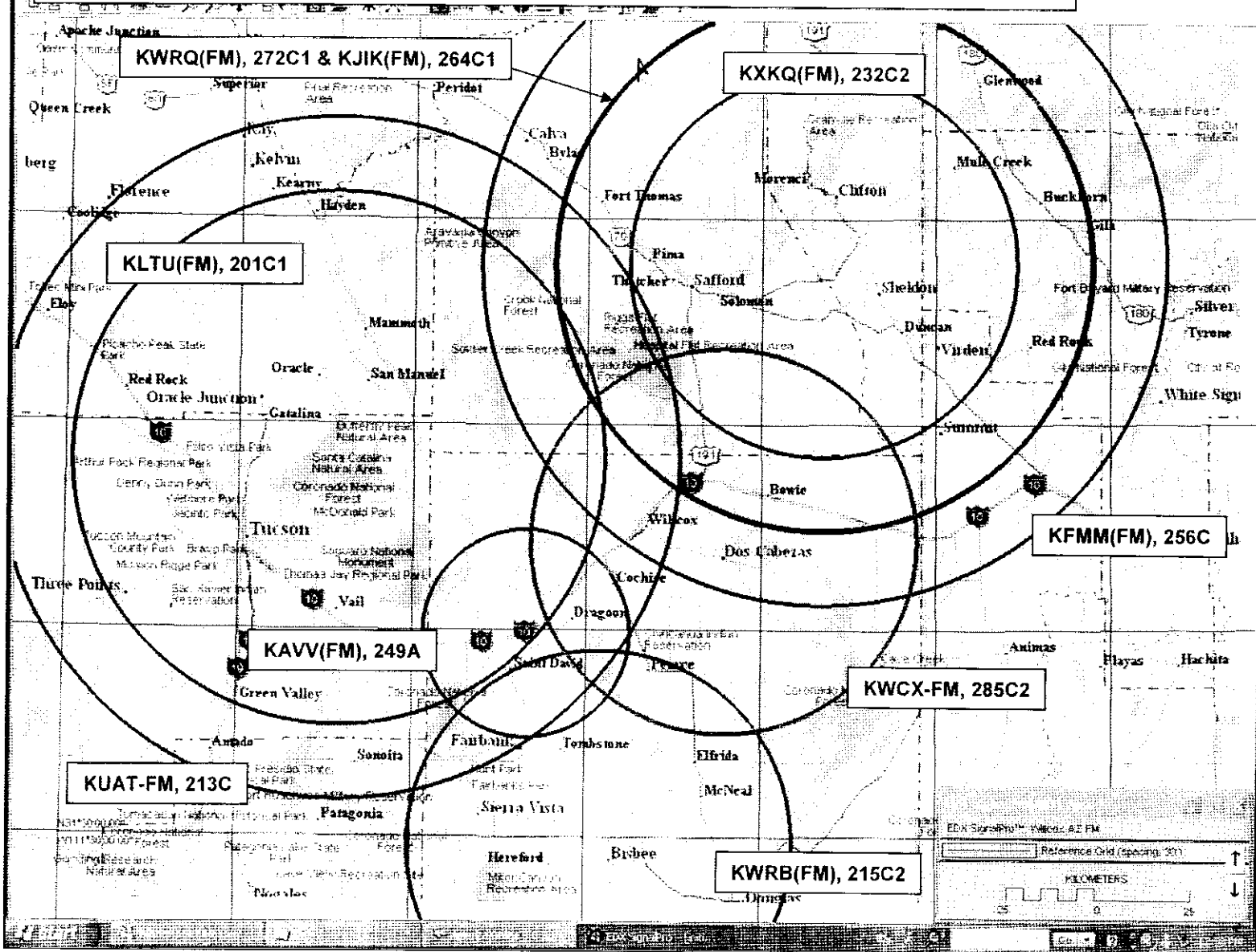
A handwritten signature in black ink, appearing to read 'D. DeLawder', is written over a horizontal line.

Darryl K. DeLawder, President

DeLawder Communications, Inc.

Date: June 18, 2007

FIGURE 1A: KWCX-FM WHITE/GRAY AREA STUDY—LICENSED STATIONS



**FIGURE 1B: KWCX-FM WHITE/GRAY AREA STUDY—
WHITE & GRAY AREAS BASED ON LICENSED STATIONS (SEE FIGURE 1A)**

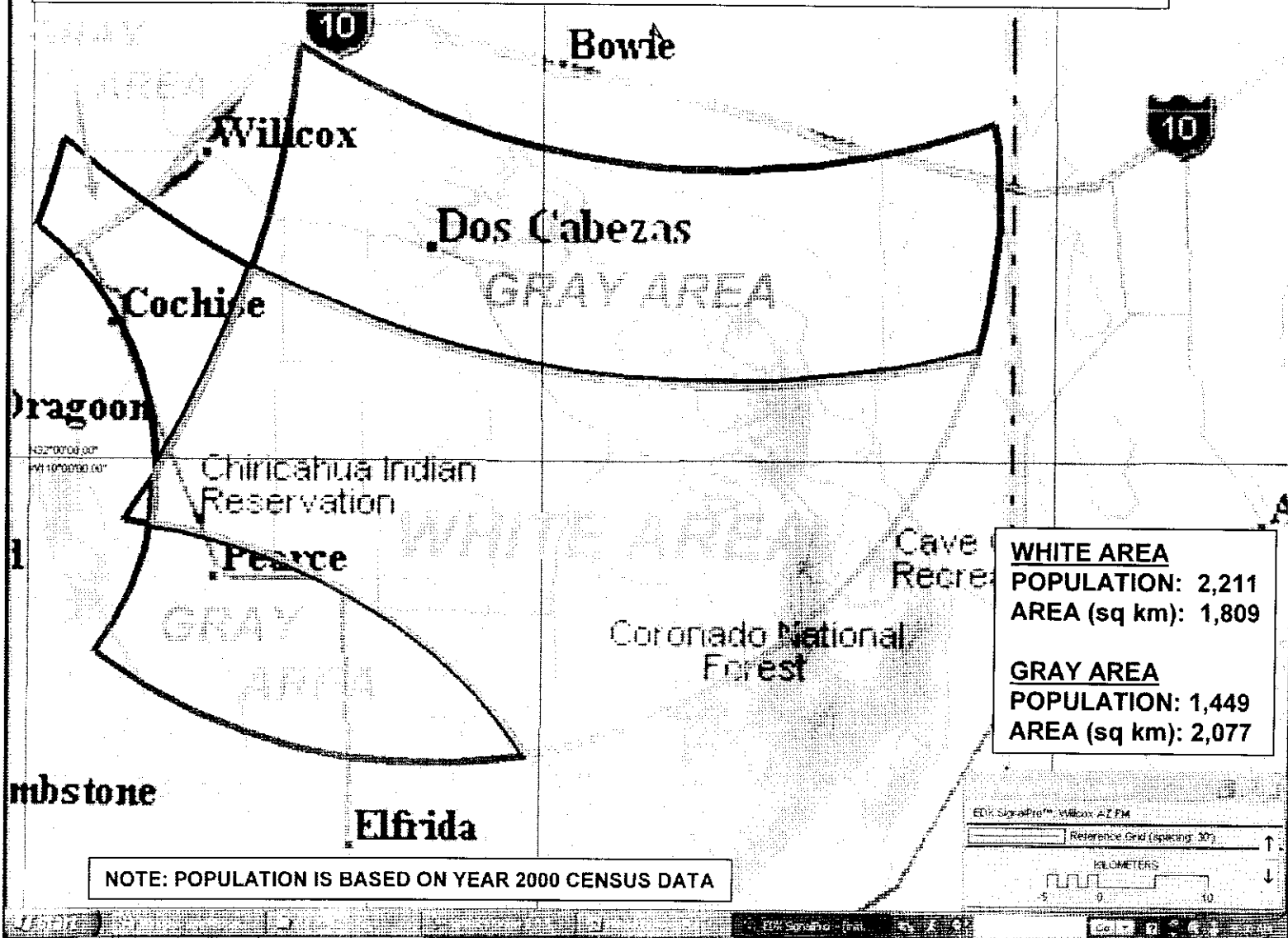
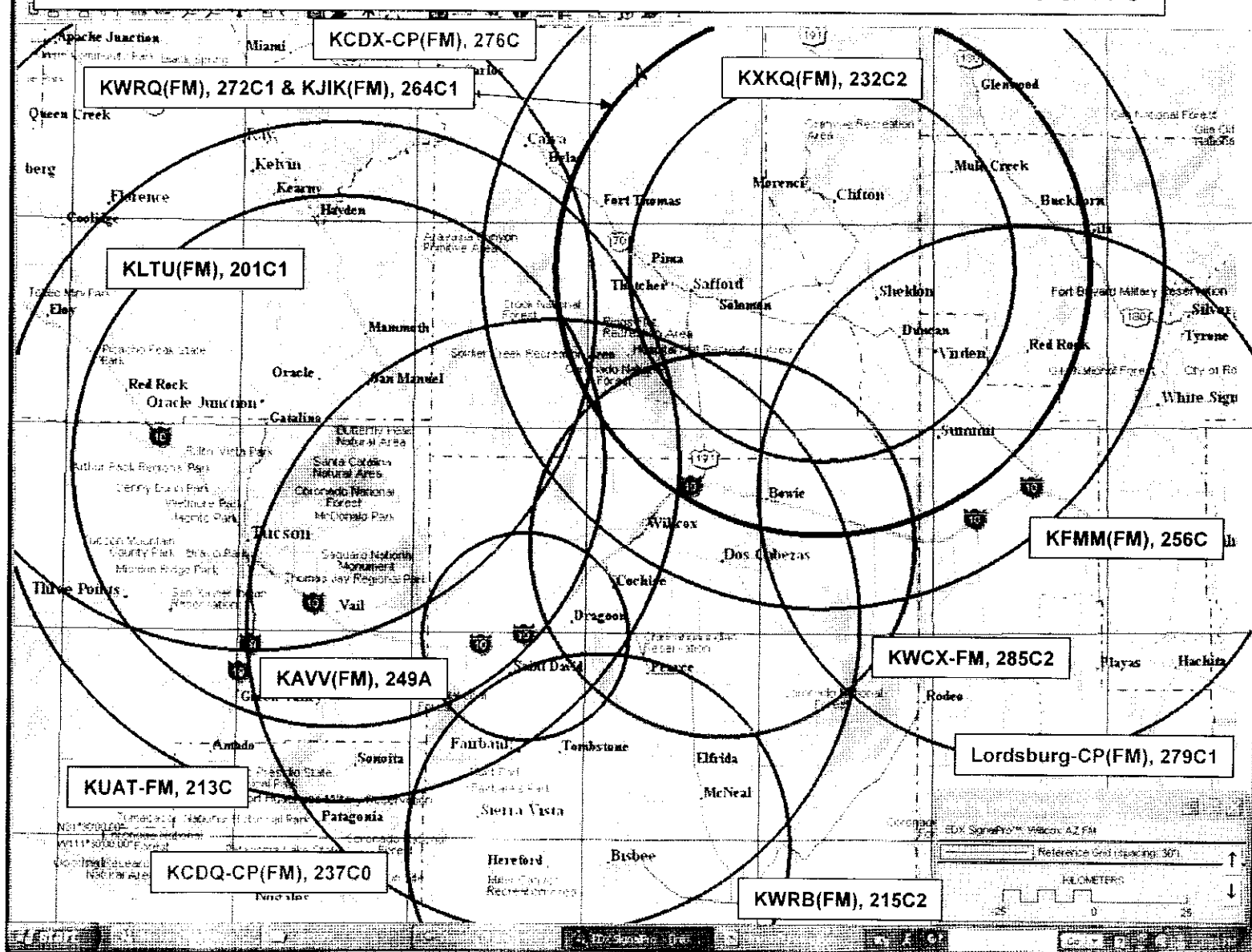


FIGURE 2A: KWCX-FM WHITE/GRAY AREA STUDY—LICENSED STATIONS & CPs



**FIGURE 2B: KWCX-FM WHITE/GRAY AREA STUDY—
WHITE & GRAY AREAS BASED ON LICENSED STATIONS & CPs (SEE FIGURE 2A)**

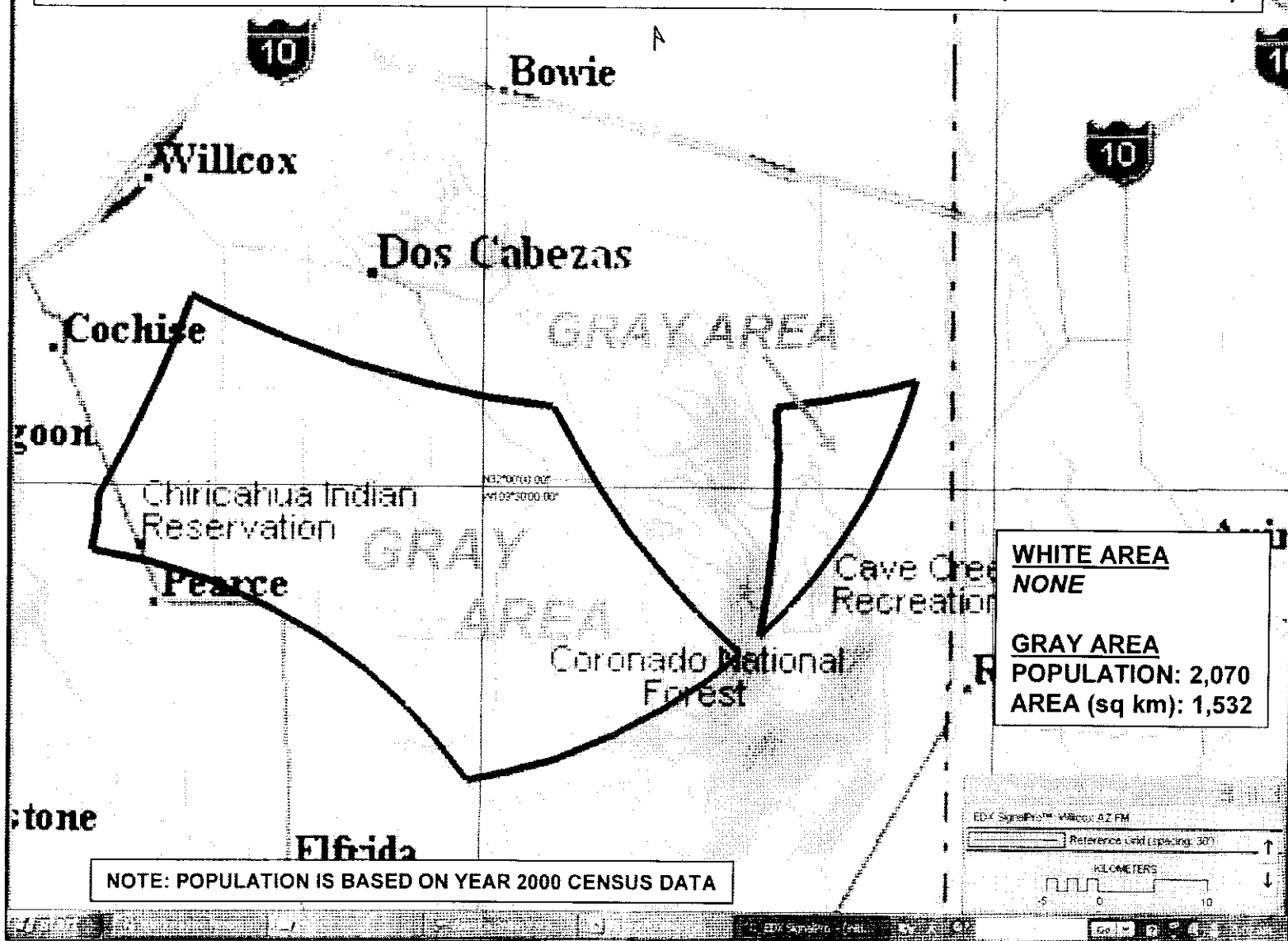
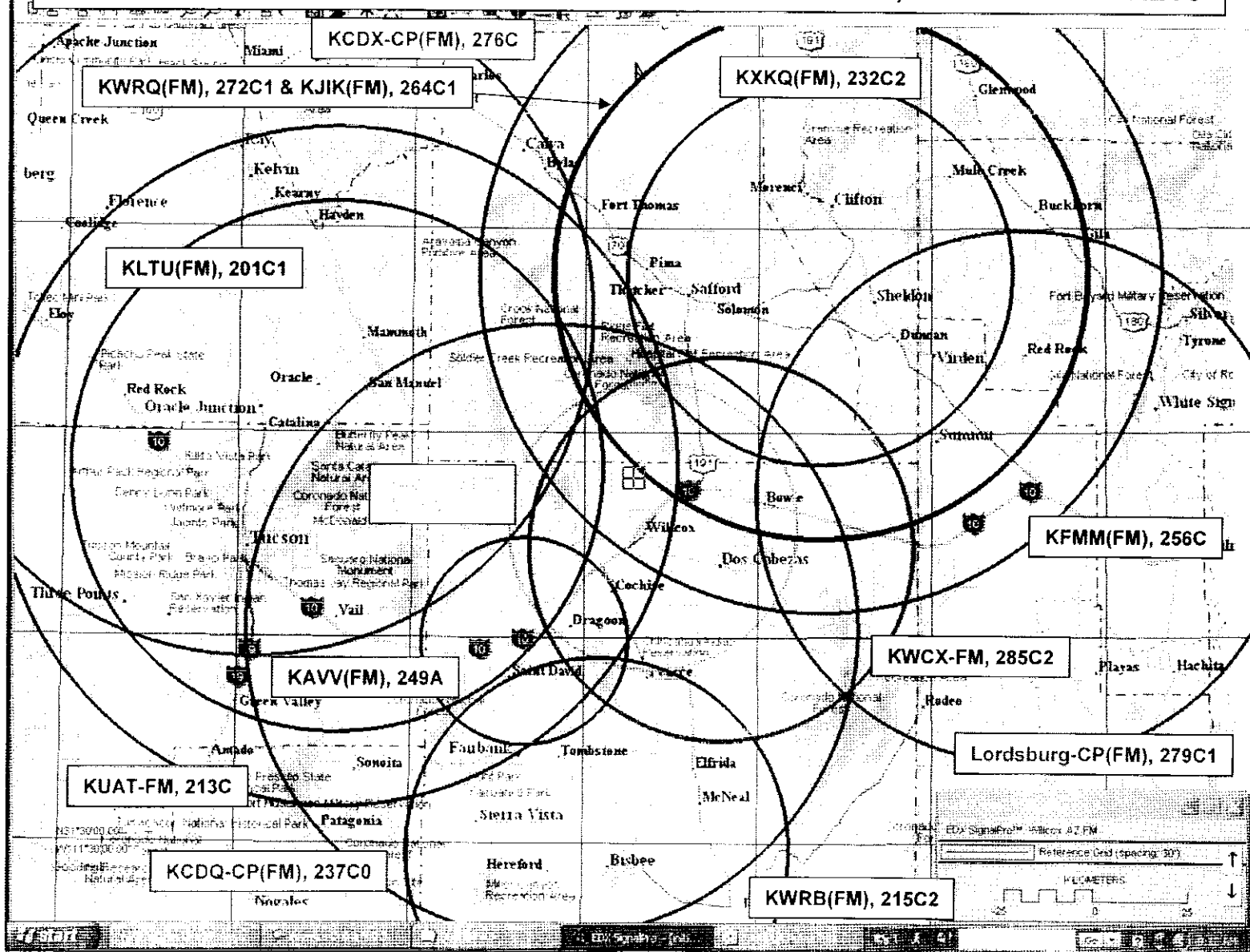
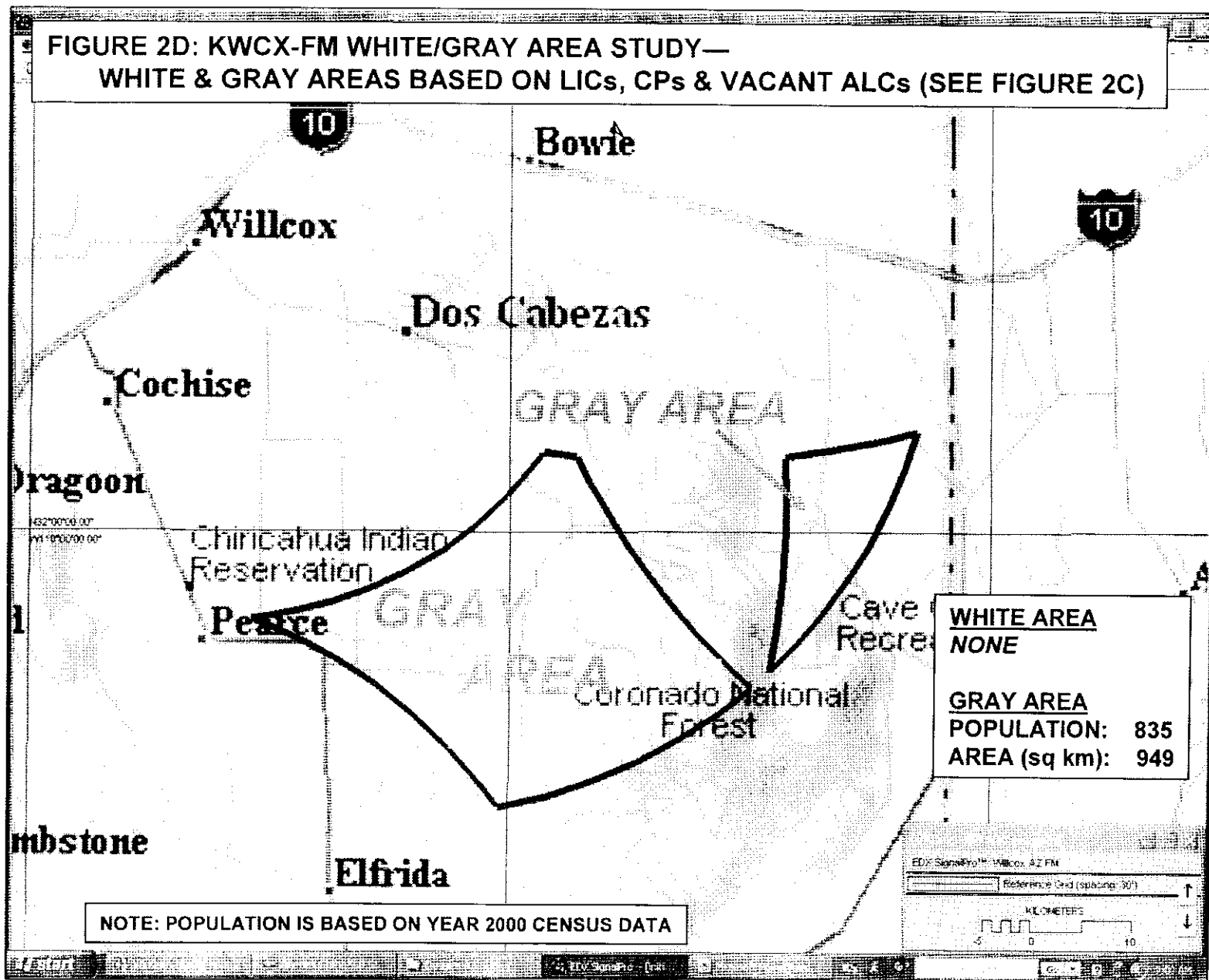


FIGURE 2C: KWCX-FM WHITE/GRAY AREA STUDY—LICENSES, CPs & VACANT ALCs



**FIGURE 2D: KWCX-FM WHITE/GRAY AREA STUDY—
WHITE & GRAY AREAS BASED ON LICs, CPs & VACANT ALCs (SEE FIGURE 2C)**



**FIGURE 3B: KWCX-FM WHITE/GRAY AREA STUDY—
WHITE & GRAY AREAS BASED ON LICENSES, CPs & APPs (SEE FIGURE 3A)**

